

REMARKS

This responds to the Office Action dated October 14, 2005, and the references cited therewith.

Claims 1, 11, and 17 are amended. Claims 1-5, 7-20, and 24 are pending in this application.

§103 Rejection of the Claims

Claims 1, 5, 7, 9, 10, 17, 18 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vachon (U.S. Patent No. 5,861,023) and in view of Helland et al. (U.S. Patent No. 5,318,572).

Claims 1, 5, 7, 9, 10, and 24

Applicant has amended claim 1 to better describe the subject matter recited in the claim. Applicant believes claim 1 is not obvious in view of the cited references since, even if combined the references do not include each limitation recited in the claim. For instance, Applicant cannot find in the cited combination a lead “wherein the outer surface of the lead body is adapted such that a pseudo-intimal layer is formed on the outer surface when exposed to a bloodstream,” as recited in claim 1. In contrast, Vachon discusses an implantable lead which includes material “for minimizing adhesion and tissue ingrowth.” (Abstract). Helland does not describe anything about the lead body outer surface.

Moreover, Applicant traverses the combination of the cited references since there is no suggestion in the art to combine the references as suggested by the Office Action. Again, Vachon discusses a lead constructed to minimize adhesion and tissue ingrowth (Abstract). On the other hand, Helland discusses an electrode designed for promoting tissue ingrowth. (Col. 3, line 15). Accordingly, one of skill in the art would not be motivated to combine these two references. Combining Helland with Vachon by altering Vachon to include the porous coating of Helland would destroy the stated purpose of Helland, which is to minimize “adhesion and tissue ingrowth.” (Abstract). If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation

to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984); MPEP § 2143.01.

Claims 5, 7, 9, 10, and 24 include each limitation of their parent claim and are also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 17 and 18

Applicant has amended claim 17 to better describe the subject matter recited in the claim. Applicant believes claim 17 is not obvious in view of the cited references since, even if combined the references do not include each limitation recited in the claim. For instance, Applicant cannot find in the cited combination a lead including means for passively preventing clots on the lead body that includes forming the lead body such that a pseudo-intimal layer is formed on an outer surface of the lead body when exposed to a bloodstream, as recited in claim 17. As discussed, Vachon discusses an implantable lead which includes material "for minimizing adhesion and tissue ingrowth." (Abstract). Helland does not describe anything about the lead body outer surface.

Again, Applicant traverses the combination of the cited references since there is no suggestion in the art to combine the references as suggested by the Office Action. As noted, Vachon discusses a lead constructed to minimize adhesion and tissue ingrowth, and Helland discusses promoting tissue ingrowth. Accordingly, one of skill in the art would not be motivated to combine these two references.

Claim 18 includes each limitation of its parent claim and is therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 11-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mar et al. (U.S. Patent No. 5,411,544) and in view of Helland et al. (U.S. Patent No. 5,318,572).

Claims 11-16

Applicant has amended claim 11 to better describe the subject matter recited in the claim. Applicant believes claim 11 is not obvious in view of the cited references since, even if

combined the references do not include each limitation recited in the claim. For instance, Applicant cannot find in the cited combination a lead “wherein the lead body has a textured outer surface adapted to form a pseudo-intimal layer on the outer surface when exposed to a bloodstream so as to passively prevent formation of clots on the outer surface,” as recited in claim 11. In contrast, Mar discusses an implantable lead which includes etching to “help adhere the electrode in a specific and desirable location in the heart.” (Col. 3, lines 35-36). Helland does not describe anything about the lead body outer surface.

Claims 12-16 include each limitation of their parent claim and are also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 7 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vachon (U.S. Patent No. 5,861,023) and Helland et al. (U.S. Patent No. 5,318,572) as applied to claims 1 and 17 above, and further in view of MacGregor (U.S. Patent No. 4,936,317).

Claim 7

Claim 7 depends from parent claim 1 and is not obvious in view of the cited references since even if combined the combination does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited combination “wherein the outer surface of the lead body is adapted such that a pseudo-intimal layer is formed on the outer surface when exposed to a bloodstream,” as recited in parent claim 1. Reconsideration and allowance is respectfully requested.

Claim 18

Claim 18 depends from parent claim 17 and is not obvious in view of the cited references since, even if combined, the combination does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited combination “means for passively preventing clots on the lead body includes forming the lead body such that a pseudo-intimal layer is formed on an outer surface of the lead body when exposed to a bloodstream,” as recited in parent claim 17. Reconsideration and allowance is respectfully requested.

Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Mar et al. (U.S. Patent No. 5,411,544) and Helland et al. (U.S. Patent No. 5,318,572) as applied to claim 11 above, and further in view of MacGregor (U.S. Patent No. 4,936,317).

Claim 15 depends from parent claim 11 and is not obvious in view of the cited references since even if combined the combination does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited combination “wherein the lead body has a textured outer surface adapted to form a pseudo-intimal layer on the outer surface when exposed to a bloodstream so as to passively prevent formation of clots on the outer surface,” as recited in parent claim 11. Reconsideration and allowance is respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

MOHAN KRISHNAN ET AL.

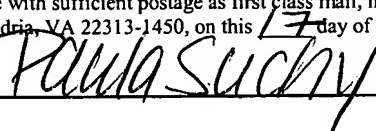
By their Representatives,

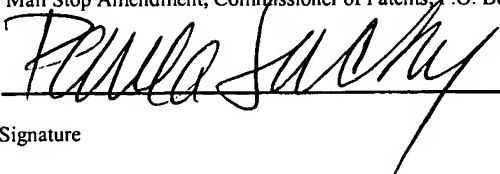
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 359-3267

Date 1/17/06

By 
Peter C. Maki
Reg. No. 42,832

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 17 day of January, 2006.


Name


Signature